

विकास योजना - नाशिक

महाराष्ट्र प्रादेशिक व नगर रचना

अधिनियम, १९६६ चे कलम ३७(१ए)

अन्वयेची नाशिक विकास नियंत्रण

नियमावलीतील फेरबदलाबाबतची नोटीस

महाराष्ट्र शासन

नगर विकास विभाग,

शासन निर्णय क्रमांक - टिपीएस-११०५/नाशिक वि.नि.नि./नवि-९

मंत्रालय, मुंबई-४०० ०३२, दि. १२ ऑगस्ट, २००५

शासन निर्णय :- सोबतची शासकीय नोटीस महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिध्द करावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(सुधाकर नागनुरे)

महाराष्ट्र शासनाचे उप सचिव

प्रत:-

विभागीय आयुक्त, नाशिक विभाग, नाशिक

संचालक नगर रचना, महाराष्ट्र राज्य, पुणे

आयुक्त, नाशिक महानगरपालिका, नाशिक

उपसंचालक नगर रचना, नाशिक विभाग, नाशिक

जिल्हाधिकारी, नाशिक

सहायक संचालक नगर रचना, नाशिक शाखा, नाशिक

व्यवस्थापक, शासकीय मुद्रणालय व ग्रंथागार येरवडा कारागृह, पुणे

(त्यांना विनंती की, सोबतची शासकीय नोटीस महाराष्ट्र शासनाच्या असाधारण राजपत्रात भाग-१ नाशिक विभागीय पुरवणी भाग-१ मध्ये प्रसिध्द करुन त्याच्या प्रत्येकी २५ प्रती या विभागास, संचालक नगर रचना, महाराष्ट्र राज्य, पुणे, व आयुक्त, नाशिक महानगरपालिका, नाशिक यांना पाठवाव्यात.)

कक्ष अधिकारी (नवि-३) नगर विकास विभाग, मंत्रालय, मुंबई

**Notice under section 37(1AA)
of ..
Regarding Regulations for
Development of Townships in
area under Nashik Municipal
Corporation.**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated 12th Aug., 2005.**

NOTICE

No. TPS 1105/Nashik D.P.DCR/UD-9:

Whereas Development Control Regulations for Nashik Municipal Corporation (hereinafter referred to as "the said Regulations") have been sanctioned by Government in Urban Development Department under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. TPS-1101/1359/CR-70/2003/UD-9 dated 28/6/1993;

And whereas, the said Regulations do not contain the provisions for Special Township;

And whereas, Public Housing has been one of the major concerns of policy planning. It has been realised that there is a need to incentivise investment by private sector in development of housing. With this in mind, Government of India announced its policy to permit 100% direct foreign investment for development of integrated towns. Government of Maharashtra in collaboration with Maharashtra Economic Development Council had organised an International Infrastructure Summit in 2002. A concept paper was presented by the Urban Development, which was widely appreciated. Consultations with planners, architects and developers were held and the Government of Maharashtra finally approved the Special Township Scheme in the year 2004. The idea is to promote private investment in housing sector to facilitate housing at reasonable prices and also to create a hassle free atmosphere for investors. The new policy has to form a part of the existing DCR of Municipal Corporation/Councils and Development Control Regulations for regional plan areas.

And whereas, accordingly, Development Control Regulations (DCRs) exclusively for Special Townships, (hereinafter referred to as "the said Township Regulations") have been prepared and it is proposed to incorporate the said Regulations, in the Development Control Regulations of all the Municipal Corporations, New Town Development Authorities, Special Planning Authorities, Municipal Councils (hereinafter referred to as "the said Authorities") and also in the Development Control Regulations of all the

Regional Plans of the State, by taking recourse to procedure laid down in Section 37 and 20 (as the case may be) of the said Act thereby modifying the relevant Development Plan/Regional Plan in as much as Regulations thereof are concerned (hereinafter referred to as "the said modification").

And whereas, under the powers conferred by section 37(1AA) of the said Act, Government in Urban Development Department had published a notice No. TPS-1105/NashikDCR/UD-9, dated 10/3/2005 (hereinafter referred to as "the said notice") in respect of Development Plan of Nashik Municipal Corporation to invite suggestions/objections from the general public on the said modification and appointed the Dy. Director of Town Planning, Nashik Division, Nashik as an Officer to hear the suggestions/objections which may be received and submit his report on the same to Government.

And whereas, thereafter the said Act has been amended to include the provision for Special Township Project vide Maharashtra Act No.XXII of 2005 which appeared in Maharashtra Government Gazette (Extra Ordinary) dated 19/5/05;

And whereas, since the said notice published by the Govt. is prior to the amendment to the said Act, Government hereby withdraws the same;

And whereas, Govt. has decided now to revise the said Township Regulations as per Schedule-A;

Now therefore in accordance with the provisions contained in section 37(1AA) of the said Act, Govt. hereby publish this notice for inviting suggestions and objections to the Regulations contained in Schedule-A from the public with reasons thereof within 30 (thirty) days from the date of publication of the notice in Maharashtra Government Gazette. The suggestions and objections shall be addressed to the Dy. Director of Town Planning, Nashik Division, Nashik who is hereby appointed as an officer under section 162 of the said Act and authorised to hear the suggestions and objections which may be received within the aforesaid stipulated period and submit his report to Govt. The suggestions and objections received within the aforesaid stipulated period will only be considered by Govt.

Note:-


A) A copy of the proposed Regulations for Development of Special Township in area under Development Plan of Nashik Municipal Corporation i.e. Schedule-A is kept open for inspection by the general public in the offices of the following offices:

- 1) Dy. Director of Town Planning, Nashik Division, Commissioner Office compound, New administrative Bldg. Nashik road Nashik.
- 2) The Commissioner, Nashik Municipal Corporation, Nashik.
- 3) Assistant Director of Town Planning, Nashik Branch, Nashik.

B) This notice is also available on Govt. web site

www.urban.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,


(Sudhakar Nangnure)
Deputy Secretary to Government.

SCHEDULE 'A'

REGULATIONS FOR DEVELOPMENT OF SPECIAL TOWNSHIPS IN AREA UNDER SANCTIONED DEVELOPMENT PLAN OF NASHIK

I. GENERAL REQUIREMENTS:

1. APPLICABILITY: These Regulations would be applicable to the area under the sanctioned Development Plan of Nashik.

1.1. AREA REQUIREMENT: Any suitable area preferably vacant having sufficiently wide means of access (not less than 18 mt wide) can be identified for the purpose of development as "Special Township". The area under the Special Township shall not be less than 40Ha (100 acres) at one place, which shall not include the area under forest, water bodies like river, creek canal, reservoir, area under hills and Hill Top Hill Slope Zones, defence zones, lands in the command area of irrigation projects and places of Archeological importance, Archeological monuments, Heritage precincts and places, any restricted areas, notified National parks, existing and proposed industrial zone, gaathan areas or congested areas.

1.2. MANNER OF DECLARATION: Any area identified above and if found suitable can be Notified by Government in Urban Development Department by following procedure under section 37 of the Maharashtra Regional and Town Planning Act 1966 and also in such other manner as may be determined by it for the purpose of development as "Special Township".

1.3. INFRASTRUCTURE FACILITIES: The entire Township should be an integrated one with all facilities within the boundaries of declared townships. All the on site infrastructure, i.e. roads, including Development Plan roads, approach road, street lights, water supply and drainage system shall be provided and maintained in future by the developer and the developer shall also carry out development of amenity or proposals, if any designated in the Development plan, in accordance with the prevailing regulations.

(a) **Water supply:** The developer shall be required to develop the source for drinking water (excluding the groundwater source) or make firm commitment from any water supply authority including the Nashik Municipal Corporation for meeting the daily water requirement of minimum 140 litres per capita per day exclusive of requirement of water for fire fighting and gardening. The storage capacity of the same shall be at least 1.5 times of the actual required quantity as determined by expected population (Resident and Floating) and other uses. The developer would be required to develop proper internal distribution and maintenance systems and shall specially undertake rain water harvesting, groundwater recharging and waste water recycling projects within the Township.

(b) **Drainage and Garbage disposal:** The developer shall make suitable and environment friendly arrangements for the disposal and Treatment of sewage and solid waste as per requirements of

Maharashtra Pollution Control Board. Recycling sewage for gardening shall be undertaken by the developer.

The developer shall develop Eco-friendly garbage disposal system by adopting the recycling and bio-degradation system in consultation with Maharashtra Pollution Control Board.

- [c] **Power:** The developer shall ensure continuous and good quality power supply to township area. The developer may draw the power from existing supply system or may go in for arrangement of captive power generation with the approval from concerned authority. If power is drawn from an existing supply system, the developer shall before commencement of development, procure a firm commitment of power for the entire township from the power supply company.

1.4. ENVIRONMENT: The development contemplated in townships shall not cause damage to ecology. Environmental clearance shall be obtained from the Ministry of Environment and Forest, Government of India as per directions issued by the MOEF's notification dated 7th July 2004. The Township shall provide at least 20% of the total area as park/garden/playground as mentioned in 4(f) below, with proper landscaping and open uses designated in the Township shall be duly developed by owner/developer. This amenity shall be open to general public free of cost.

Eco-friendly amenities like solar water heating for the Township shall be mandatory.

2. SPECIAL CONCESSIONS:

- (a) **N.A. Permission:** Non-agriculture permission will be automatic. As soon as the scheme is notified, lands notified under Special Township area as per 1.2 will be deemed to have been converted into non-agriculture and no separate permission is required. Non-agriculture assessment however will commence from the date of sanction of scheme as per Regulation No.7(c).
- (b) **Stamp Duty:** The stamp duty rates applicable in Notified Special Township area shall be 50% of prevailing rates of the Mumbai Stamp Act.
- (c) **Development Charges:** A Special Township Project shall be exempted from payment of Development charges to the extent of 50%.
- (d) **Grant of Government Land:** Any Government land falling under township area shall be leased out to the developer.
- (e) **Relaxation from Mumbai Tenancy and Agriculture Land Act:** The condition that only the agriculturist will be eligible to buy the agriculture land shall not be applicable in Special Township area.

- (f) **Ceiling of agriculture land:** There shall be no ceiling limit for holding agriculture land to be purchased by the owner/developer for such project.
- (g) **Exemption from Urban Land (Ceiling and Regulation) Act, 1976:** Special Township Projects will be exempted from the purview of Urban Land (Ceiling and Regulation) Act, 1976.
- (h) **Scrutiny fee:** A Special Township Project shall be partially exempted from payment of scrutiny fee being levied by the Planning Authority for processing the development proposal on certain terms and conditions as may be decided by the Planning Authority.

3. **PLANNING CONSIDERATIONS :**

The Township project has to be an integrated township project. The project should necessarily provide land for following users:-

- (a) Residential
- (b) Commercial
- (c) Educational
- (d) Amenity Spaces.
- (e) Health Facilities
- (f) Parks, Gardens , & Play grounds.
- (g) Basic Amenities
- (h) Public Utilities

4. **GENERAL NORMS FOR DIFFERENT LAND USES :**

The overall planning of the special townships shall be such that the project fairly meets with the specifications spelt out in the prevailing planning standards approved by Government. Further, the planning of Special Township shall take care of following land uses in particular.

(a) **Residential :** The residential area should be well defined in clusters or neighborhoods or in plotted development with proper road grid. Out of the total floor area proposed to be utilised which is permissible as proportionate to zoning of area under such township at least 60% of the area may be used for purely residential development and further out of the total floor area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 40 sq.mt. for L.I.G./E.W.S.

(b) **Commercial:** The commercial area shall be properly distributed in hierarchical manner such as convenient shopping, community centre etc. For this purpose 10% of the total floor area proposed for utilised may be used.

(c) Educational: Comprehensive educational system providing education from primary to secondary should be provided as per the requirement. The area allocation should be on projected population base and as far as possible the educational complex should not be concentrated at one place. All such complexes should have area adequate allocation for playground. Minimum area required for educational purpose shall be as per prevailing planning standards.

(d) Amenity Spaces : The area allocation for amenity space providing for amenities like market, essential shopping area, recreation centers, town hall, library etc. should not be less than 5% of gross area and should be evenly placed.

(e) Health Facilities : Adequate area allocation for health facilities for primary health should be provided for. Minimum area required for health facilities shall be as per prevailing planning standards.

(f) Parks, Gardens and Play grounds: The township shall also provide at least 20% of the total area as parks/ gardens/play grounds. This should be exclusive of the statutory open spaces to be kept in smaller layout and should be distributed in all residential clusters. This 20% area should be developed by the developer for such purposes and kept open to all general public free of cost.

(g) Public Utilities : Appropriate area allocation should be provided for (a) power receiving station/ sub station, (b) water supply system, (c) sewerage and garbage disposal system, (d) police station, (e) public parking, (f) cemetery/cremation ground, (g) bus station, fire brigade station, and other public utilities as per requirements.

(h) Transport and Communication : The entire area of township shall be well knitted with proper road pattern, taking into consideration the linkages with existing roads within the township and outside area as well. All such roads shall be developed by the developer as per standard and road widths shall be as given below.

Main road/Ring road - 24 meter wide.

Internal road - as per prevailing bye laws applicable to Development Plan

(i) Service Industries : In the Special Township area, lands required for commercial uses, industrial uses, permissible in residential user, may also be earmarked. However, the predominated land use would be residential use

Notes :-

All the amenities referred to above shall be inclusive of Development Plan reservations, if any, located, in the Township Area.

- I. Location of Development Plan reservation can be shifted to anywhere in the Township Area in consultation with the Planning Authority.
- II. Development Plan reservations in the Township area, shall not be handed over to the Planning Authority but the same shall be developed by the developer for the designated amenity.

5. DEVELOPMENT CONTROL REGULATIONS :-

Prevailing Development Control Regulations of sanctioned Development Plan shall be applicable mutadis mutandis except those expressly provided in these Special Regulations.

5.1 (i) The total built up area/FSI of entire gross area of the Special township declared as per 1.1 excluding the area under Agriculture/Green Zone/No Development Zone, if any, included in the project shall be 1.00. The F.S.I for Agriculture/ Green Zone/No Development Zone if any included in Special Township shall be 0.2 only in proportion to such area of the zone. There will be no limit of total built up area / FSI for the development of individual plots. Height of building shall be as per prevailing Bye laws as specified in Development Plan. However, it may be increased subject to provisions of fire fighting arrangements with prior approval of Fire Advisor, Government of Maharashtra and the Nashik Municipal Corporation. DRC'S originated from any other area i.e. outside Special Township area shall not be permissible in Special Township area.

(ii) In the event the special township project containing sites reserved for public purposes (buildable reservation) in Development Plan, for which the Appropriate Authority is any department of State Govt./Central Govt. or any Government undertaking, the developer shall construct the amenity as per requirement of the concerned department and hand over the constructed amenity free of cost to that Department. Upon such handing over the constructed amenity the developer would be entitled to utilise additional floor space over and above the FSI permissible within the township (equivalent to the built up area of the constructed amenity) anywhere within the special township project.

(iii) In every Special Township proposal the structural designer of developer has to submit declaration with project report to Planning Authority about the construction of building as below:

I have confirmed that the proposed construction in the scheme are as per norms as specified by Indian Standards Institute, for the resistance of earth quake fire safety & natural calamities'.

(iv) Upper and lower ground floor type construction shall not be allowed.

(v) In special Township schemes under Residential zone and Green Zone/No Development Zone trees at the rate of minimum 150 trees per ha. and 400 trees per ha. respectively shall be planted and maintained by the developer.

(vi) Once the proposal for special Township is submitted to the Government under Regulation No. 7(A) no change of zone proposal in such Township area shall be considered by Government.

5.2. SPECIAL TOWNSHIPS IN AGRICULTURE / GREEN ZONE/ NO DEVELOPMENT ZONE (excluding agricultural lands in command area of Irrigation project) :

- (i) Development of Special Townships in area for Green Zone/ No Development Zone, earmarked in Development plan can be allowed. However, such development shall be in such a way, that the spirit and character of these zones, is not lost and the project does not hamper the environmental considerations. For this purpose, development would be permitted with lower built up area/ FSI values and further such lands that are required to be kept open from security/ safety/hygienic/environment point of view or lands which are not suitable for being Developed for special township in view of the nearness to any historical monument of archeological sites, and land of natural scenery and landscape shall not be permitted for development of Special Township Project.
- (ii) Development of Special Township Project in Green Zone/ No Development Zone, contained in the Development plan shall be permissible subject to conditions that 50 % of the gross area of the project shall be kept open while the project of Special Township shall be executed on the remaining 50 % land with gross built up area/ FSI of 0.2 worked out on the entire gross area of the project. Further, while developing such projects, it would be obligatory on the part of the developer to provide and develop all the infrastructure facilities including sites required for public purposes as per the prescribed planning norms. As regards 50 % of land which is required to be kept open, the same shall be made free of encumbrances and any development including development permissible in green zone /belt as per prevailing bye-laws shall not be permissible thereon.
- (iii) All provision of Regulations except 4(f) shall apply to the development of Township in Green Zone/No Development Zone.
- (iv) In case area Notified under Special Township falls in Residential Zone and partly in Green Zone/ No Development Zone the provisions applicable to such scheme shall be proportionate to the area under the respective zoning in the scheme.

Note: Green Zone/ No Development Zone :Area under Agriculture Zone/ Green Zone/ No Development Zone (excluding agricultural lands in command area of Irrigation project)

6. SALE PERMISSION : It would be obligatory on the part of the developer firstly to provide for basic infrastructure and as such no permission for sale of plot/ flat shall be allowed unless the basic infrastructure as per Regulation no.1-3 is completed by the developer to the satisfaction of the Planning Authority i.e. Nashik Municipal Corporation. In case the development is proposed in Phases & sale permission is expected after completion of Phase wise basic infrastructure, such permission may be granted by the Commissioner, Nashik Municipal Corporation. Before granting such sale permission, Developer has to submit undertaking about the basic infrastructure to be provided & completed phase wise by Developer. The plots

earmarked for amenities, facilities, and utilities shall be also simultaneously developed phase wise along with residential/ allied development.

7. PROCEDURE

(A) Locational Clearance : The proposal for development of Special Township, shall be submitted to Government in Urban Development Department alongwith a copy to Director of Town Planning Maharashtra State, Pune for grant of locational clearance. Upon receipt of such proposal, depending upon the merits of the case, locational clearance may be granted by Government in consultation with the Director of Town Planning and Environment Department of the state Government within a period of 90 days from the date of receipt of remarks from all concern Departments & after completion of all prescribed procedure specified in Regulation No.1.2 above and compliance of any such document as may be required by Government.

(B) Letter of Intent : Upon receipt of locational clearance from the Government, the developer shall submit the proposal in respect of Special Township to the Commissioner, Nashik Municipal Corporation for issue of letter of intent. The proposal shall contain ownership rights/development rights, document in respect of at least 50 % of area under scheme and other particulars as decided and directed by the Commissioner, Nashik Municipal Corporation. Details of qualified technical staff and consultant in technical and law field. Letter of intent shall be issued within a period of 45 days from the date of receipt of the completed full & final proposal. The letter of intent shall be valid for six months.

(C) (i) Final Approval : The Developer shall submit the layout plan of the entire township area, sector- wise detailed building plans and details of phasing, for final sanction to the Commissioner, Nashik Municipal Corporation. The developer shall also submit an undertaking or execute an agreement about development and maintenance of basic infrastructural amenities in future with bank guarantee of 15% of its development costs. The Commissioner, Nashik Municipal Corporation shall grant approval to layout plan and sector wise detailed building plan within the stipulated period on terms and conditions as may be pdetermined by the Commissioner, Nashik Municipal Corporation, Nashik. After such sanction no change in proposed FSI of any plot of the scheme is permissible.

Any one aggrieved by an order passed under prevailing Byelaws may within forty days of the date of communication of the order prefer an appeal to the Government. The appeal shall be cleared within 60 days.

(ii) Every application shall be accompanied by :

(a) Ownership Document : 7/12 extract/ Property Card, ownership right Document in original with list of such documents.

(b) Extent :

Village maps showing the extent of area and authenticated measurement plan/ gut book of the land in original and list of such documents. Authenticated copies of locational clearance and letter of intent.

(d) Layout and building plans: i) Layout plan showing all details of area utilized under roads, open spaces for parks, garden and playground amenities.

ii) Detail layout plan building plans of all development with area of all sector and individual plots and built up area/FSI proposed on each sector and plot.

iii) Detail Report comprising of expected population, requirement of amenities and proposed amenities with reference to prevailing planning standards approved by Government and sources of all basic amenities and it's details about implementation and maintenance & Taxes.

iv) Details of zoning and area under such zone.

v) Details of FSI/Total built up area proposed to be utilized in scheme.

vi) Details of Eco friendly amenities provided

vii) Plan showing Road hierarchy and road widths, pedestrian facility, street furniture, plantation, side walk, subways with area details.

viii) Details of solid waste management plan.

ix) All other documents as determined and directed by the Commissioner, Nashik Municipal Corporation.

Note : The above prescribed periods shall be computed after compliance of all the requirements listed above and any other additional information called for from the owner/developer by the Government or the Nashik Municipal Corporation.


8. Implementation & completion :

i) Development of Basic infrastructure & amenity shall be completed by the developer to the satisfaction of the Commissioner, Nashik Municipal Commissioner as per phases of scheme. Development of the scheme shall be completed within 10 years from the date of final sanction to the layout plan of scheme.

ii) No building in the scheme is permitted to be occupied in any manner unless occupation certificate is issued by the Commissioner, Nashik Municipal Corporation.

iii) Final completion certificate for the scheme is to be issued by the Commissioner, Nashik Municipal Corporation in consultation with Maharashtra Pollution Control Board, Forest Department as far as tree plantation is concerned and fire officer the Nashik Municipal Corporation.

9. Interpretation: If any question or dispute arises with regard to interpretation of any of these regulations, the matter shall be referred to the State Government. The Government after considering the matter and, if necessary, after giving hearing to the parties, shall give a decision on the interpretation of the provisions of the Regulations. The decision of Government on the interpretation of these Regulations shall be final and binding on all concerned.


(Sudhakar Mangnure)
Deputy Secretary to Government.